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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE AND DETENTION

Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2001/62

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Introduction

1. The mandate of the Special Rapporteur on torture, assigned since April 1993 to Sir Nigel Rodley (United Kingdom), was renewed for three more years by the Commission on Human Rights in its resolution 2001/62. In conformity with that resolution, the Special Rapporteur hereby submits his ninth report to the Commission. Chapter I deals with aspects of the mandate and methods of work. Chapter II summarizes his activities in 2000. A summary of communications sent by the Special Rapporteur from 15 December 2000 to 12 November 2001 (date of Sir Nigel's resignation from the mandate of Special Rapporteur on torture), as well as a summary of replies from Governments thereto from 15 December 2000 to 1 December 2001, may be found in addendum 1 to the present report.

2. In addition to the above-mentioned resolution, several other resolutions and decisions adopted by the Commission on Human Rights at its fifty-seventh session are also pertinent within the framework of the mandate and have been taken into consideration by the Special Rapporteur in examining and analysing the information brought to his attention. These resolutions are, in particular: 2001/39, "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers"; 2001/40, "Question of arbitrary detention"; 2001/45, "Extrajudicial, summary or arbitrary executions"; 2001/46, "Question of enforced or involuntary disappearances"; 2001/47, "The right to freedom of opinion and expression"; 2001/49, "Elimination of violence against women"; 2001/54, "Internally displaced persons"; 2001/64, "Human rights defenders"; 2001/70, "Impunity"; and decision 2001/105, "Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms".

I. MANDATE AND METHODS OF WORK

3. No mandate-related issues have arisen during the year under review. The methods of work of the Special Rapporteur have been those followed previously. In particular, he has continued to seek cooperation with holders of other Commission mandates to avoid duplication of activity in respect of country-specific initiatives. Thus, he has sent urgent appeals, transmitted information alleging violations within his mandate to Governments and sought missions to Member States in conjunction with the following mechanisms: the Working Group on Arbitrary Detention; the Special Rapporteurs on extrajudicial, summary or arbitrary executions; the independence of judges and lawyers; the promotion and protection of the right to freedom of opinion and expression; violence against women, its causes and consequences; and the situation of human rights in the Democratic Republic of the Congo; the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran and the Special Representative of the Secretary-General on human rights defenders.

4. In paragraph 9 of its resolution 2001/62, the Commission on Human Rights invited the Special Rapporteur to study the situation of trade and production in equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment, its origin, destination and forms, with a view to finding the best ways to prohibit such trade and production and to combat its proliferation, and report thereon to the Commission on Human Rights. Accordingly, on 7 August 2001, a note verbale was sent to all Permanent Missions to the United Nations Office at Geneva, to international organizations, as well as relevant

intergovernmental and non-governmental organizations. At the time of writing, information and comments had been received by the Special Rapporteur from the Governments of Argentina, Bahrain, Belarus, Colombia and Tunisia, as well as the non-governmental organizations Amnesty International and the Omega Foundation. The Special Rapporteur believes that further information would be needed to allow his successor to carry out this study effectively.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

5. The Commission, in its resolution 2001/62 (para. 38) requested the Special Rapporteur to present an interim report to the fifty-sixth session of the General Assembly at its fifty-sixth session on overall trends and developments with regard to his mandate and the Assembly, in its resolution 55/89 (para. 30), decided to consider it. Accordingly, he submitted his interim report (A/56/156) to the General Assembly under the agenda item entitled "Human rights questions". In that report, the Special Rapporteur addressed the following issues: intimidation as a form of torture; enforced or involuntary disappearance as a form of torture; torture and discrimination against sexual minorities; torture and impunity; and prevention and transparency. He also included a further revised version of the recommendations that had been included in his previous reports to the Commission on Human Rights. For ease of reference, these recommendations are annexed to the present report (annex I).

6. Regarding country visits, the Special Rapporteur regrets that the Government of China did not confirm the possibility of a visit in September 2001 as discussed with a delegation from the Permanent Mission of the People's Republic of China in June 2000. He would like to reiterate that he would have been happy to accept the February 1999 invitation by the Government of China to conduct a friendly visit to China, on the basis of modalities that would have ensured that the visit would have provided information capable of permitting him to make recommendations responding to the factual, institutional and legal obstacles to guaranteeing full respect for the prohibition of torture and other forms of ill-treatment falling within his mandate. Regarding the joint request with the Special Rapporteur on violence against women, its causes and consequences, to visit the Russian Federation with respect to the Republic of Chechnya (2000), the Special Rapporteur regrets that the Government did not agree to a joint mission this year despite the fact that he had been informed by a delegation from the Permanent Mission of the Russian Federation that such a visit could be envisaged at a later stage, once the security situation permitted. Regarding his request to visit Israel with respect to the occupied Palestinian territories, the Special Rapporteur reiterated his request to visit the country on the basis of the standard terms of reference for fact-finding missions. In particular, he inquired whether the non-cooperation of the Government of Israel on the basis of Commission resolution S-5/1 of 19 October 2000 would have precluded his access to the country and to all places of detention and interrogation chosen prior to and during the mission and confidential and unsupervised interviews with detained persons chosen by himself. At the time of writing of the present report, no reply had been received. Finally, the Special Rapporteur notes that the Permanent Representative of the Kingdom of Nepal to the United Nations Office at Geneva gave in April 2001 an initial positive reaction to the February 2001 Special Rapporteur's request to visit his country.

7. This year, the Special Rapporteur inquired whether the Government of Georgia would consider the possibility of inviting him to undertake a mission to the country. The Special Rapporteur appreciated the June 2001 invitation from the Minister of Justice and Human Rights and the Vice-Minister for Human Rights of Bolivia to visit their country. He regrets that other activities concerning his mandate did not allow him to undertake such a mission during his tenure.

8. The Special Rapporteur's requests to visit India (1993), Indonesia (1993), Egypt (1996), Algeria (1997), Tunisia (1998), Bahrain (1998) and Uzbekistan (2000 - joint request with the Chairman-Rapporteur of the Working Group on arbitrary detention) have not resulted in invitations.

9. On 15 and 16 February 2001, the Special Rapporteur addressed the open-ended working group on a draft optional protocol to the Convention against Torture of the Commission. From 18 to 22 June, he attended the annual meeting of the special rapporteurs/representatives. experts and chairpersons of working groups of the special procedures of the Commission. On 10 and 11 November, he participated in the Expert Seminar on the Definition of Torture organized by the Association for the Prevention of Torture in Geneva.

III. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

10. During the period under review, the Special Rapporteur sent 114 letters to 73 countries on behalf of about 1,990 individuals and 33 groups involving about 6,000 persons, about 315 of whom were known to be women and 590 known to be minors. Together with individual cases, the Special Rapporteur also transmitted to Governments 22 allegations of a more general nature. The Special Rapporteur also sent 32 letters reminding the Governments of the following countries of a number of cases that had been transmitted in previous years: Armenia (1997), Cameroon (1998), Chad (1997 and 1999), China (1998), Côte d'Ivoire (1997), Djibouti (1999), Ecuador (1999), El Salvador (1996), Equatorial Guinea (1998), Eritrea (1999), Ethiopia (1997 and 1999), Haiti (1997 and 1999), Honduras (1998), India (1997, 1998 and 1999) Indonesia (1998 and 1999), Jamaica (1998), Libyan Arab Jamahiriya (1998), Malaysia (1999), Mali (1999), Morocco (1996), Myanmar (1996, 1997 and 1998), Nepal (1997, 1998 and 1999), Niger (1997), Nigeria (1998), Pakistan (1996, 1997, 1998 and 1999), Paraguay (1996), Peru (1998 and 1999), Philippines (1998), Russian Federation (1999), Uzbekistan (1996 and 1998), Venezuela (1997 and 1998) and Zimbabwe (1999), as well as the Palestinian Authority (1999). In addition, the Special Rapporteur sent 15 letters reminding Governments of a number of cases transmitted in 2000 with respect to which no reply had been received. The Special Rapporteur sent 186 urgent appeals to 58 Governments on behalf of about 581 individuals (of whom about 147 were known to be women and 12 to be minors) and 13 groups involving about 1,500 persons (of whom some 500 were known to be minors) with regard to whom fears that they might be subjected to torture and other forms of ill-treatment had been expressed. Thirty-seven Governments provided the Special Rapporteur with replies on some 800 cases submitted during the year under review, whereas 37 did so with respect to cases submitted in previous years.

Annex I

RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR*

The Special Rapporteur included in his report to the Commission on Human Rights (see E/CN.4/2001/66) a revised version of the recommendations that he had compiled in 1994 (see E/CN.4/1995/34). As stated earlier, these recommendations may all be resolved into one global recommendation - an end to de facto or de jure impunity. He would like to encourage States to reflect upon them as a useful tool in efforts to combat torture. A further revised version of the recommendations follows:

(a) Countries that are not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the International Covenant on Civil and Political Rights should sign and ratify or accede to these Conventions. Torture should be designated and defined as a specific crime of the utmost gravity in national legislation. In countries where the law does not give the authorities jurisdiction to prosecute and punish torture, wherever the crime has been committed and whatever the nationality of the perpetrator or victim (universal jurisdiction), the enactment of such legislation should be made a priority;

(b) Countries should sign and ratify or accede to the Rome Statute of the International Criminal Court with a view to bringing to justice perpetrators of torture in the context of genocide, crimes against humanity and war crimes and at the same time ensure that their national courts also have jurisdiction over these crimes on the basis of universal jurisdiction;

(c) The highest authorities should publicly condemn torture in all its forms whenever it occurs. The highest authorities, in particular those responsible for law enforcement activities, should make public the fact that those in charge of places of detention at the time abuses are perpetrated will be held personally responsible for the abuses. In order to give effect to these recommendations, the authorities should, in particular, make unannounced visits to police stations, pre-trial detention facilities and penitentiaries known for the prevalence of such treatment. Public campaigns aimed at informing the civilian population at large of their rights with respect to arrest and detention, in particular to lodge complaints regarding treatment received at the hands of law enforcement officials, should be undertaken;

(d) Interrogation should take place only at official centres and the maintenance of secret places of detention should be abolished under law. It should be a punishable offence for any official to hold a person in a secret and/or unofficial place of detention. Any evidence obtained from a detainee in an unofficial place of detention and not confirmed by the detainee during interrogation at official locations should not be admitted as evidence in court. No statement of confession made by a person deprived of liberty, other than one made in the presence of a judge or a lawyer, should have a probative value in court, except as evidence against those who are accused of having obtained the confession by unlawful means. Serious consideration should be given to introducing video- and audio-taping of proceedings in interrogation rooms;

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* As found in A/56/156, para. 39.

(e) Regular inspection of places of detention, especially when carried out as part of a system of periodic visits, constitutes one of the most effective preventive measures against torture. Independent non-governmental organizations should be authorized to have full access to all places of detention, including police lock-ups, pre-trial detention centres, security service premises, administrative detention areas and prisons, with a view to monitoring the treatment of persons and their conditions of detention. When inspection occurs, members of the inspection team should be afforded an opportunity to speak privately with detainees. The team should also report publicly on its findings. In addition, official bodies should be set up to carry out inspections, such teams being composed of members of the judiciary, law enforcement officials, defence lawyers and physicians, as well as independent experts and other representatives of civil society. Ombudsmen and national or human rights institutions should be granted access to all places of detention with a view to monitoring the conditions of detention. When it so requests, the International Committee of the Red Cross should be granted access to places of detention;

(f) Torture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal, and persons held incommunicado should be released without delay. Information regarding the time and place of arrest as well as the identity of the law enforcement officials having carried out the arrest should be scrupulously recorded; similar information should also be recorded regarding the actual detention. Legal provisions should ensure that detainees are given access to legal counsel within 24 hours of detention. Security personnel who do not honour such provisions should be punished. In exceptional circumstances, under which it is contended that prompt contact with a detainee's lawyer might raise genuine security concerns and where restriction of such contact is judicially approved, it should at least be possible to allow a meeting with an independent lawyer, such as one recommended by a bar association. In all circumstances, a relative of the detainee should be informed of the arrest and place of detention within 18 hours. At the time of arrest, a person should undergo a medical inspection, and medical inspections should be repeated regularly and should be compulsory upon transfer to another place of detention. Each interrogation should be initiated with the identification of all persons present. All interrogation sessions should be recorded and preferably video-recorded, and the identity of all persons present should be included in the records. Evidence from non-recorded interrogations should be excluded from court proceedings. The practice of blindfolding and hooding often makes the prosecution of torture virtually impossible, as victims are rendered incapable of identifying their torturers. Thus, blindfolding or hooding should be forbidden. Those legally arrested should not be held in facilities under the control of their interrogators or investigators for more than the time required by law to obtain a judicial warrant of pre-trial detention which, in any case, should not exceed a period of 48 hours. They should accordingly be transferred to a pre-trial facility under a different authority at once, after which no further unsupervised contact with the interrogators or investigators should be permitted;

(g) Administrative detention often puts detainees beyond judicial control. Persons under administrative detention should be entitled to the same degree of protection as persons under criminal detention. At the same time, countries should consider abolishing, in accordance with relevant international standards, all forms of administrative detention;

(h) Provisions should give all detained persons the ability to challenge the lawfulness of the detention - e.g., through habeas corpus or amparo. Such procedures should function expeditiously;

(i) Countries should take effective measures to prevent prisoner-on-prisoner violence by investigating reports of such violence, prosecuting and punishing those responsible, and offering protective custody to vulnerable individuals, without marginalizing them from the prison population more than necessitated by the needs of protection and without rendering them at further risk of ill-treatment. Training programmes should be considered to sensitize prison officials as to the importance of taking effective steps to prevent and remedy prisoner-on-prisoner abuse and to provide them with the means to do so. In accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, [1] prisoners should be segregated along the lines of gender, age and seriousness of the crime, as well as first-time/repeat offenders and pre-trial/convicted detainees;

(j) When a detainee or relative or lawyer lodges a torture complaint, an inquiry should always take place and, unless the allegation is manifestly ill-founded, public officials involved should be suspended from their duties pending the outcome of the investigation and any subsequent legal or disciplinary proceedings. Where allegations of torture or other forms of ill-treatment are raised by a defendant during trial, the burden of proof should shift to the prosecution to prove beyond reasonable doubt that the confession was not obtained by unlawful means, including torture and similar ill-treatment. Serious consideration should also be given to the creation of witness protection programmes for witnesses to incidents of torture and similar ill-treatment which ought to extend fully to cover persons with a previous criminal record. In cases where current inmates are at risk, they ought to be transferred to another detention facility where special measures for their security should be taken. A complaint that is determined to be well founded should result in compensation to the victim or relatives. In all cases of death occurring in custody or shortly after release, an inquiry should be held by judicial or other impartial authorities. A person in respect of whom there is credible evidence of responsibility for torture or severe maltreatment should be tried and, if found guilty, punished. Legal provisions granting exemptions from criminal responsibility for torturers, such as amnesties, indemnity laws etc., should be abrogated. If torture has occurred in an official place of detention, the official in charge of that place should be disciplined or punished. Military tribunals should not be used to try persons accused of torture. Independent national authorities, such as a national commission or ombudsman with investigatory and/or prosecutorial powers, should be established to receive and to investigate complaints. Complaints about torture should be dealt with immediately and should be investigated by an independent authority with no relation to that which is investigating or prosecuting the case against the alleged victim. Furthermore, the forensic medical services should be under judicial or other independent authority, not under the same governmental authority as the police and the penitentiary system. Public forensic medical services should not have a monopoly of expert forensic evidence for judicial purposes. In that context, countries should be guided by the Principles on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as a useful tool in the effort to combat torture;[2]

(k) Training courses and training manuals should be provided for police and security personnel and, when requested, assistance should be provided by the United Nations programme of advisory services and technical assistance. Security and law enforcement personnel should be instructed on the Standard Minimum Rules for the Treatment of Prisoners,[3] the Code of Conduct for Law Enforcement Officials,[4] the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[5] and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and these instruments should be translated into the relevant national languages. In the course of training, particular stress should be placed upon the principle that the prohibition of torture is absolute and non-derogable and that there exists a duty to disobey orders from a superior to commit torture. Governments should scrupulously translate into national guarantees the international standards they have approved and should familiarize law enforcement personnel with the rules they are expected to apply;

(l) Health-sector personnel should be instructed on the Principles of Medical Ethics relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Detainees and Prisoners against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[6] Governments and professional medical associations should take strict measures against medical personnel that play a role, direct or indirect, in torture. Such prohibition should extend to such practices as examining detainees to determine their "fitness for interrogation" and procedures involving ill-treatment or torture, as well as providing medical treatment to ill-treated detainees so as to enable them to withstand further abuse. In other cases, the withholding of appropriate medical treatment by medical personnel should be subject to sanction.

Notes

[1] General Assembly resolution 43/173, annex.

[2] See General Assembly resolution 55/89, annex.

[3] Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 1955.

[4] General Assembly resolution 34/169, annex.

[5] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 1990.

[6] General Assembly resolution 37/194, annex.

Annex II

LETTER OF RESIGNATION DATED 15 OCTOBER 2001 FROM THE SPECIAL RAPPORTEUR ADDRESSED TO THE CHAIR OF THE COMMISSION ON HUMAN RIGHTS

15 October 2001

Dear Mr. Despouy,

With regret, I submit to you my resignation as Special Rapporteur of the Commission on Human Rights on the question of torture, to take effect as from 12 November 2001.

As I indicated to you at the time of the fifty-seventh session of the Commission, I had some doubts about whether to seek a final term as Special Rapporteur, given the extra work brought by my election to the Human Rights Committee. I accepted the mandate once more nevertheless, in the hope that this dual United Nations responsibility could be reconciled with my full-time academic post as Professor of Law at the University of Essex. Now, as my third session of the Human Rights Committee begins, it is clear that I cannot responsibly sustain such a workload, hence this resignation today, to be effective four weeks from now so that my successor may be appointed without a break in the work of the mandate.

It was you, of course, who, as head of your Government's delegation to the forty-first session of the Commission, introduced the draft that became resolution 1985/33 by which the mandate was established - just one of many demonstrations over the decades of your personal commitment to the worldwide eradication of torture. It is appropriate, therefore, that it now falls to you to appoint the third holder of this mandate, and I know that you will ensure that the work is continued by someone who will not only carry it out with authority and skill, but will also share our determination to rid the world of the scourge of torture.

I take this opportunity to express my deepest appreciation for the competence, professionalism and dedication of the Human Rights Officers who have carried the day-to-day burden of servicing the mandate, as well as for the support of their supervisors and the contribution of my research assistants in alleviating the impossible workload of the officers. I am also indebted to the leadership of the Office of the High Commissioner for Human Rights, especially the present High Commissioner and Deputy High Commissioner, for their constant political support of the mandate and its concerns.

I must, however, remind the Commission, through you, that the mandate would be much more effective were the Office able to grant resources to permit maximum activity in responding to the enormous amount of information it receives or could obtain. Regrettably, the organization has still to demonstrate the political will and priority to translate its concerns about torture and other grave human rights problems into more effective action. I hope that the work of my successor will benefit from an allocation of resources commensurate with the scope of the problem.

Yours sincerely,

(Signed) Sir Nigel Rodley

Annex III

STATEMENT BY THE SPECIAL RAPPORTEUR TO THE THIRD COMMITTEE OF THE GENERAL ASSEMBLY DELIVERED ON 8 NOVEMBER 2000

It is a great honour to present my third interim report to the General Assembly. As in previous years, I have presented in this report a number of issues of special concern to the mandate of the Special Rapporteur on torture, in particular overall trends and recent developments in the United Nations human rights mechanisms of relevance to my mandate. I have focused on five issues this year.

While the present report does not address the matter, I did, in my report to the fifty-seventh session of the Commission on Human Rights (E/CN.4/2001/66) and in view of the then forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, address the question of racism and related intolerance which I believe is all too relevant to issues falling within my mandate.

Intimidation as a form of torture

I note with appreciation the reference to intimidation in Commission on Human Rights resolution 2001/62, entitled "Torture and other cruel, inhuman or degrading treatment or punishment". In paragraph 2, the Commission "condemns all forms of torture, *including through intimidation*, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (emphasis added).

A number of decisions by human rights monitoring mechanisms have referred to the notion of mental pain or suffering, including suffering through intimidation and threats, as a violation of the prohibition of torture and other forms of ill-treatment. Similarly, international humanitarian law prohibits at any time and any place whatsoever any threats to commit violence to the life, health and physical or mental well-being of persons.

It is my opinion that serious and credible threats, including death threats, to the physical integrity of the victim or a third person can amount to cruel, inhuman or degrading treatment or even torture, especially when the victim remains in the hands of law enforcement officials. The problems posed in respect of securing evidence of non-physical forms of torture make it difficult to confirm allegations of these forms of torture.

Enforced or involuntary disappearances as a form of torture

The jurisprudence of several human rights monitoring mechanisms has referred to the prohibition of torture while dealing with acts of enforced or involuntary disappearances. In particular, I would note that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights stated that "the very fact of being detained as a disappeared person, isolated from one's family for a long period, is certainly a violation of the right to humane conditions of detention and has been represented to the Group as torture" (see E/CN.4/1983/14, para. 131).

While reaffirming that enforced disappearances are unlawful under international law and cause much anguish, whatever their duration, I believe that to make someone disappear is a form of prohibited torture or ill-treatment, clearly as regards the relatives of the disappeared person and arguably in respect of the disappeared person or him/herself. I further believe that prolonged incommunicado detention in a secret place may amount to torture as described in article 1 of the Convention against Torture. The suffering endured by the disappeared persons, who are isolated from the outside world and denied any recourse to the protection of the law, and by their relatives, doubtless increases as time goes by.

Nevertheless, it is my opinion that the Special Rapporteur on torture should continue to refrain from dealing with cases of disappearances so as to avoid duplication with the Working Group on Enforced or Involuntary Disappearances. I hope that these two mechanisms will be sending joint communications, especially when fears have been expressed that the persons concerned may be at risk of torture and further disappearance in view of the incommunicado nature of their detention in a secret place.

Torture and discrimination against sexual minorities

For some years, I have received information regarding victims of torture and other forms of ill-treatment belonging to sexual minorities, who are said to have been subjected to violence of a sexual nature, such as rape or sexual assault, and other abuse relating to their real or perceived sexual orientation or gender identity.

I believe that discrimination on grounds of sexual orientation or gender identity may contribute to the process of the dehumanization of the victim, which is often a necessary condition for torture and ill-treatment to take place. Furthermore, discriminatory attitudes towards members of sexual minorities can mean that they are perceived as less credible by law enforcement agencies or not fully entitled to an equal standard of protection, including protection against violence carried out by non-State agents. Members of sexual minorities, when arrested for other alleged offences or when lodging a complaint of harassment by third parties, have reportedly been subjected to further victimization by the police, including verbal, physical and sexual assault, including rape. Silencing through shame or the threat by law enforcement officials to publicly disclose the birth sex of the victim or his or her sexual orientation (to family members, among others) may keep a considerable number of victims from reporting abuses.

Torture and impunity

I have noted in the past that the single most important factor in the proliferation and continuation of torture is the persistence of impunity, be it of a de jure or de facto nature. Causes of impunity of a de jure nature encompass measures relieving perpetrators of torture of legal liability, inter alia by providing an unrealistically short period of prescription, adopting acts of indemnity, or by granting amnesties to perpetrators of grave violations of human rights. It is with regard to the granting of amnesties that I have reviewed the recent developments in international law on the question of the compatibility of amnesties with States' international obligations to combat torture.

I would recall that the Vienna Declaration and Programme of Action stipulates that "States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law."

I would stress the duty of States to bring to justice perpetrators of torture as an integral part of the victims' right to reparation. In my report, I have drawn the attention of the General Assembly to the jurisprudence of various international and regional human rights monitoring bodies on that issue. In the light of this jurisprudence suggesting that the prohibition of amnesties leading to impunity for serious human rights violations has become a rule of customary international law, I express my opposition to the passing, application and non-revocation of amnesty laws (including laws in the name of national reconciliation, the consolidation of democracy and peace, and respect for human rights), which prevent torturers from being brought to justice and hence contribute to a culture of impunity. As before, I would call on States to refrain from granting or acquiescing in impunity at the national level, inter alia by the granting of amnesties, such impunity itself constituting a violation of international law.

Prevention and transparency

One of the main factors constituting a condition of impunity de facto is the prevalence of the opportunity to commit the crime of torture in the first place. In that respect, one of my main recommendations would be external supervision of all places of detention by independent officials, such as judges, prosecutors, ombudsmen and national or human rights commissions, as well as by civil society. I would also recommend the presence of the person's lawyer at interrogation sessions. I would support monitoring by independent monitoring institutions, such as the International Committee of the Red Cross and the Committee on the Prevention of Torture under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the mechanism contemplated by the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, should it be adopted with at least the powers enjoyed by the two mechanisms I just referred to.

I am convinced that there needs to be a radical transformation of assumptions in international society about the nature of deprivation of liberty. The basic paradigm, taken for granted over at least a century, is that prisons, police stations and the like are closed and secret places, with activities inside hidden from public view. The international standards referred to are conceived of as often unwelcome exceptions to the general norm of opacity, merely the occasional ray of light piercing the pervasive darkness. What is needed is to replace the paradigm of opacity by one of transparency. The assumption should be one of open access to all places of deprivation of liberty. Of course, there will have to be regulations to safeguard the security of the institution and individuals within it, and measures to safeguard their privacy and dignity. But those regulations and measures will be the exception, having to be justified as such; the rule will be openness.

Finally, I would encourage States to reflect upon the revised recommendations that I have included in the last chapter of my report as a useful tool in efforts to combat torture.

By way of update in respect of possible missions, I wish to inform the General Assembly of the following:

I regret that the Government of China did not confirm by the end of July, as discussed during a meeting with a delegation from the Permanent Mission of China to the United Nations Office at Geneva in June, the possibility of a visit last September. I reiterated that I was happy to accept the February 1999 invitation by the Government of China to conduct a friendly visit to China, on the basis of modalities that would ensure that the visit would provide information capable of permitting me to make recommendations responding to the factual, institutional and legal obstacles to guaranteeing full respect for the prohibition of torture and other ill-treatment within my mandate. I consider that it is now up to the Government of China to inform the Special Rapporteur if and when it is willing to permit such a visit to take place.

Regarding my joint request with the Special Rapporteur on violence against women, its causes and consequences, to visit the Russian Federation with respect to the Republic of Chechnya, I also regret that the Government did not agree to a joint mission this year.

Regarding my request to visit Israel with respect to the occupied Palestinian territories, I have reiterated my request to visit the country on the basis of the standard terms of reference for fact-finding missions. I have also inquired whether the non-cooperation of the Government on the basis of Commission resolution S-5/1 of 19 October 2000 would preclude my access to the country and to all places of detention and interrogation that would be chosen prior to and during the mission and confidential and unsupervised interviews with detained persons chosen by myself, as well as whether I would be able to count on the cooperation of law enforcement officials at all levels. To date, I have not received any response.

My requests to visit India (1993), Indonesia (1993), Egypt (1996), Algeria (1997), Bahrain (1998), Tunisia (1998), Uzbekistan (2000) and Nepal (2001) remain outstanding. Since the last session of the Commission on Human Rights, I have also sought an invitation to Georgia.

I think that most of you will know by now that on 15 October I tendered my resignation to the Chair of the fifty-seventh session of the Commission on Human Rights, to take effect on 12 November (next Monday). This was after long reflection and the decision weighed heavily with me. But I was forced to conclude that I could not responsibly continue to shoulder the burden of a full-time teaching post, the work created by my recent membership of the Human Rights Committee and the obligations of the Special Rapporteur mandate.

While, after eight and half years' efforts on the mandate, I should have wished that the scourge of torture in the world were far less prevalent, I am convinced that the mandate has made and will continue to make an important contribution to the inhibition and eventual eradication of torture. In the end, solutions can only be found at the national level. The United Nations can, does and must continue to support and encourage these (including by substantially increasing the resources for its work). The ultimate responsibility, nevertheless, remains on its Member States represented today by you Ladies and Gentlemen in this Committee Room.

While time does not allow me to address in detail the relevance of the 11 September cataclysm to my mandate, I wish to state the following. However frustrating may be the search for those behind the abominable acts of terrorism and for evidence that would bring them to justice, I am convinced that any temptation to resort to torture or similar ill-treatment or to send suspects to countries where they would face such treatment must be firmly resisted. Not only would that be a violation of an absolute and peremptory rule of international law, it would be also responding to a crime against humanity with a further crime under international law. Moreover, it would be signalling to the terrorists that the values espoused by the international community are hollow and no more valid than the travesties of principle defended by the terrorists.

On that note, I present my interim report to the General Assembly.

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF TORTURE AND DETENTION

Report of the Working Group on Arbitrary Detention

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Executive summary

The Working Group on Arbitrary Detention was established by the Commission on Human Rights in its resolution 1991/42 and entrusted with the investigation of instances of alleged arbitrary deprivation of liberty. The mandate of the Group was clarified and extended by the Commission in its resolution 1997/50 to cover the issue of administrative custody of asylum-seekers and immigrants.

During the reporting period, the Working Group visited the State of Bahrain at the invitation of the Government. The report on the visit appears in addendum 2 to the present document.

During the same period, the Working Group adopted 31 Opinions concerning 94 persons in 22 countries and Palestine. In 49 cases, it considered the deprivation of liberty to be arbitrary. In the same period, the Working Group registered and transmitted to Governments 36 communications concerning 167 cases.

Also during the period January-November 2001, the Working Group transmitted a total of 79 urgent appeals concerning 897 individuals to 39 Governments and the Palestinian National Authority. Of these urgent appeals 46 were joint actions with other thematic or country-oriented mandates of the Commission on Human Rights. Thirteen Governments concerned informed the Working Group that they had taken measures to remedy the situation of the victims.

The Working Group has continued to develop its follow-up procedure and has sought to engage in continuous dialogue with those countries visited by the Group, in respect of which it had recommended changes of domestic legislation governing detention. Following its thirty-first session, the Committee requested the Governments of Romania and the United Kingdom of Great Britain and Northern Ireland to provide follow-up information on the recommendations resulting from the Group's visit to those countries in September 1998.

In its recommendations in the present annual report, the Group attaches particular importance to the following phenomena:

(a) Imprisonment related to insolvency;

(b) Detention as a means of protection of victims.

Introduction

1. The Working Group on Arbitrary Detention was established by the Commission on Human Rights in resolution 1991/42. Commission resolution 1997/50 spells out the revised mandate of the Group, which is to investigate cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by local courts in conformity with domestic law, with the standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned. Under this resolution, the Group is also given the mandate to examine issues relating to the administrative custody of asylum-seekers and immigrants.

2. During 2001, the Working Group was composed of the following experts: Mrs. Soledad Villagra de Biedermann (Paraguay), Ms. Leïla Zerrougui (Algeria), Mr. Tamás Bán (Hungary), Mr. Louis Joinet (France) and Mr. Kapil Sibal (India). At its eighteenth session (May 1997), the Group amended its methods of work to the effect that at the end of each mandate the Working Group shall elect a Chairman and Vice-Chairman. Pursuant to this amendment, the Group elected Mr. Sibal as Chairman-Rapporteur and Mr. Joinet as Vice-Chairman. At its twenty-eighth session in September 2000, the Group re-elected Mr. Sibal as Chairman-Rapporteur and Mr. Joinet as Vice-Chairman.

3. The Working Group has so far submitted 10 reports to the Commission, covering the period 1991-2000 (E/CN.4/1992/20, E/CN.4/1993/24, E/CN.4/1994/27, E/CN.4/1995/31 and Add.1-4, E/CN.4/1996/40 and Add.1, E/CN.4/1997/4 and Add.1-3, E/CN.4/1998/44 and Add.1 and 2; E/CN.4/1999/63 and Add.1-4; E/CN.4/2000/4 and Add.1 and 2 and E/CN.4/2001/14 and Add.1). The Working Group's initial three-year mandate was first extended by the Commission in 1994 and further extended in 1997, and in 2000 for another three years.

4. On 26 April 2000, the Commission on Human Rights adopted decision 2000/109 on enhancing the effectiveness of the mechanisms of the Commission. As a result of this decision, the composition of the Working Group will have to be gradually changed prior to the fifty-ninth session of the Commission in 2003. Pursuant to the decision, Mr. Petr Uhl (Czech Republic) resigned from the Working Group after the twenty-ninth session, on 1 December 2000, and was replaced by Mr. Tamás Bán.

5. The Working Group learned with profound sadness of the death, on 6 May 2001, of Mr. Laïty Kama (Senegal), who had been a member of the Working Group since 1991. Mr. Kama was replaced by Ms. Leïla Zerrougui.

6. Mr. Kapil Sibal resigned from the Working Group during the thirty-second session, on 3 December 2001, and had not been replaced as a member of the Group at the time of the adoption of the present report. Mr. Louis Joinet was elected Chairman of the Working Group unanimously on 3 December 2001, after resigning as Vice-Chairman. The Working Group decided to await the appointment of the new expert from the Asian Group before electing the new Vice-Chairman at its thirty-third session.

I. ACTIVITIES OF THE WORKING GROUP

7. The present report covers the period from January to December 2001, during which the Working Group held its thirty, thirty-first and thirty-second sessions.

A. Handling of communications addressed to the Working Group

1. Communications transmitted to Governments

8. During the period under review, the Working Group transmitted 36 communications concerning 167 new cases of alleged arbitrary detention (162 men) involving the following countries (the number of communications and individuals concerned for each country is given in parenthesis): Algeria (1 communication - 2 persons), Australia (1 - 2), China (4 - 7), Colombia (1 - 1), Egypt (1 - 52), Ethiopia (2 - 3), France (1 - 1), Indonesia (1 - 6), Islamic Republic of Iran (1 - 16), Israel (1 - 1), Mexico (1 - 2), Morocco (1 - 1), Myanmar (4 - 14), Nepal (2 - 4), Pakistan (1 - 1), Peru (2 - 2), Qatar (1 - 1), Russian Federation (1 - 1), Sri Lanka (2 - 27), Syrian Arab Republic (1 - 10), United States of America (1 - 1), Uzbekistan (1 - 2), Viet Nam (2 - 2), Yugoslavia (1 - 7) and Palestine (1 - 1). The Working Group also transmitted 79 urgent appeals (see paras. 24-26 below).

9. Of the 25 Governments concerned, 22 provided information on all or some of the cases transmitted to them. These were: Algeria, Australia, China, Colombia, Egypt, Ethiopia, France, Indonesia, Islamic Republic of Iran, Mexico, Morocco, Myanmar, Nepal, Pakistan, Peru, Qatar, Russian Federation, Sri Lanka, United States of America, Viet Nam, Yugoslavia and the Palestinian National Authority.

10. Apart from the above-mentioned replies, the Governments of China, Indonesia and Peru communicated information concerning cases on which the Group had already adopted opinions (see paras. 21 and 22 below).

11. With regard to communications concerning the Syrian Arab Republic (10 persons) and Myanmar (1 person), the 90-day deadline had not yet expired when the present report was adopted.

12. A description of the cases transmitted and the contents of the Governments' replies will be found in the relevant Opinions adopted by the Working Group (E/CN.4/2002/77/Add.1).

13. Concerning the sources which reported alleged cases of arbitrary detention to the Working Group, of the 167 individual cases submitted by the Working Group to Governments during the period under consideration, 63 were based on information communicated by local or regional non-governmental organizations (NGOs), 78 on information provided by international NGOs in consultative status with the Economic and Social Council, and 26 by private sources.

2. Opinions of the Working Group

14. During its three 2001 sessions, the Working Group adopted 31 Opinions concerning 94 persons in 22 countries and Palestine. Some details of the Opinions adopted during those sessions appear in the table hereunder and the complete texts of Opinions 1/2001 to 18/2001 are reproduced in addendum 1 to the present report. The table also provides information about 13 Opinions adopted during the thirty-second session, details of which could not, for technical reasons, be included in an annex to this report.

15. Pursuant to its methods of work (E/CN.4/1998/44, annex I, para. 18), the Working Group, in addressing its Opinions to Governments, drew their attention to Commission resolutions 1997/50 and 2000/36 requesting them to take account of the Working Group's Opinions and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they had taken. On the expiry of a three-week deadline the Opinions were transmitted to the source.

Opinions adopted during the thirty, thirty-first and thirty-second sessions of the Working Group

Opinion No.	Country	Government's reply	Person(s) concerned	Opinion
1/2001	Uzbekistan	No	Manuvar Hasanov Ismail Hasanov	Detention arbitrary, category III
2/2001	United States of America	Yes	Waynebourne Clive and Anthony Bridgewater	Detention not arbitrary
3/2001	Indonesia	Yes (received after the adoption of the Opinion)	Shauket Ali Akhtar, Daniel Attah-Gyasi, Krustiono Basuki, Miladin Vucetic, Zhang Chang You and Johny Erumbanath Antony	Detention arbitrary, category III
4/2001	Viet Nam	No	Thich Huyen Quang	Detention arbitrary, category II
5/2001	Nepal	No	Khrishna Sen	Detention arbitrary, categories I and III
6/2001	Yugoslavia	Yes	Vladimir Nikolic and Xhevat Podvorica	Cases filed (para. 17 (a) of the Working Group's methods of work - persons released)
7/2001	China	Yes	Tohti Tunyaz	Detention arbitrary, category II
8/2001	China	Yes (after the adoption of the Opinion)	Jiang Qisheng	Detention arbitrary, category II
9/2001	Qatar	Yes	Abdul Rahman Amair and Al-Noaimi	Case filed (para. 17 (a) of the Working Group's methods of work - person released)
10/2001	Peru	Yes	José Victoriano and Acevedo Orbegoso	Case filed (para. 17 (a) of the Working Group's methods of work - person released)

Opinion No.	Country	Government's reply	Person(s) concerned	Opinion
11/2001	Viet Nam	Yes	Thich Quang Do	Detention arbitrary, category II
12/2001	Myanmar	Yes	Paw Oo Tun	Detention arbitrary, categories I and II
13/2001	Myanmar	Yes	Aye Tha Aung, Cin Shing Thang, Do Htaung, Duwa Zaw Aung, Khun Myint Tun, Kyin Thein, Min Soe Lin, Saw Naing Naing, Saw Mra Aung, Saw Oo Rah and Toe Po	In seven cases (Aye Tha Aung, Do Htaung, Khun Myint Tun, Min Soe Lin, Saw Naing Naing, Saw Oo Rah and Toe Po), detention arbitrary, category II In four cases (Duwa Zaw Aung, Cin Shing Thang, Saw Mra Aung and Kyin Thein), the cases were filed (para. 17 (a) of the Working Group's methods of work - persons released)
14/2001	Russian Federation	Yes	Igor Sutyagin	Detention not arbitrary
15/2001	Australia	Yes	Marco Pasini Beltrán and Carlos Cabal Peniche	Detention not arbitrary
16/2001	Colombia	Yes	Francisco Caraballo	Case provisionally filed (para. 17 (d) of the Working Group's methods of work - not enough information)
17/2001	Peru	Yes (received after adoption of the Opinion)	Elmer Salvador and Gutiérrez Vásquez	Detention arbitrary, category III
18/2001	Mexico	Yes	Rodolfo Montiel Flores and Teodoro Cabrera García	Detention arbitrary, category III
19/2001	Nepal	Yes	Yuburaj Ghimerey, Binod Raj Gyawali and Kailash Sirohija	Cases filed (para. 17 (a) of the Working Group's methods of work - persons released)
20/2001	China	Yes	Wanxing Wang	Detention arbitrary, category II
21/2001	Sri Lanka	Yes	Chinniah Atputharajah, Krisshnaswamy Ramachandran, Rasaratnam Punchalingam, Kanapthy Subramaniam, Thraiswamy Muthuswamy, Thambiah Kandaswamy, Ramiah Subramaniam, Sinnapu Daniud, Kathirgamu Shanmuganathan, Namasivayam Aathimulam, Arumagam Kanagaratnam, Ramiyah Gopalaswamy and Khartigesu Sivalingam	Six cases filed (para. 17 (a) of the Working Group's methods of work - persons released): Chinniah Atputharajah, Rasaratnam Punchalingam, Thuraiswamy Muthuswamy, Ramiah Subramaniam, Sinnapu Daniud and Karthigesu Sivalingam. Three cases of detention not arbitrary: Kathirgamu Shanmuganathan, Thambiah Kandaswamy and Ramiyah Gopalaswamy. Four cases of detention arbitrary, category III: Krisshnaswamy Ramachandran, Kanapthy Subramaniam, Namasivayam Aathimulam and Arumagam Kanagaratnam

Opinion No.	Country	Government's reply	Person(s) concerned	Opinion
22/2001	Ethiopia	Yes	Bernahu Nega and Mesfin Woldemariam	Cases filed (para. 17 (a) of the Working Group's methods of work - persons released)
23/2001	Israel	No	Kahed Jaradat	Detention arbitrary, category III
24/2001	Sri Lanka	Yes	Edward Anton Amaradas, Gajarnoghan, Thanigasalam Pillai Nandanan, Kadiravelupillai Sivamogan, Selvanayagam Suganthan, Moothuthamby Uthayakumar, Mrs. Navajothi Sinnarasa, Sinnathambi Kamalanadan, Krisnapillai Pavalakeshan, Thambinakayam Sribalu, P. Selvaraja, S. Senthurajah, Sri Arasaretnam Senthinathakurukkal and Krishnapillai Perinpam	Four cases filed (para. 17 (a) of the Working Group's methods of work - persons released): Thanigasalam Pillai Nandanan, Kadiravelupillai Sivamogan, E.A. Amaradas and Selvanayagam Suganthan. Four cases filed (para. 17 (d) of the Working Group's methods of work - not enough information): Gajarnoghan, M. Uthayakumar, K. Pavalakeshan, T. Sribalu. Five cases, detention arbitrary, category III: Mrs. Navajothi Sinnarasa, S. Kamalanadan, Sri Arasaretnam Senthinathakurukkal and K. Perinpan.
25/2001	Pakistan	Yes	Ayub Masih	Detention arbitrary, category III
26/2001	France	Yes	Guy Mariani	Case filed (para. 17 (a) of the Working Group's methods of work - person released)
27/2001	Morocco	Yes	Mustapha Adib	Detention arbitrary, category III
28/2001	Algeria	Yes	Abassi Madani and Ali Benhadj	Detention arbitrary, category III
29/2001	Ethiopia	Yes	Gebissa Lemessa Gelelcha	Case filed (para. 17 (a) of the Working Group's methods of work - person released)
30/2001	Islamic Republic of Iran	Yes	Ezzatollah Sahabi, Hassan Youssefi-Echkevari, Mohammad Makeki, Habibollah Peyman, Mohammad Bestehnegar, Massoud Pedram, Ali-Reza Rajai, Hoda Rezazadeh-Saber, Mohammad-Hossein Rafiee, Reza Raïs-Toussi, Taghi Rahmani, Mahmoud Omrani, Reza Alidjani, Morteza Kazemian, Mohammad Mohammadi-Ardehali and Saïd Madani	Seven cases filed (para. 17 (a) of the Working Group's methods of work - persons released): Mohammad Bestehnegar, Morteza Kazemian, Mohammad Maleki, Mohammad Mohammadi Ardehali, Masoud Pedram, Hossein Rafiee and Ali Reza Rajai. Nine cases, detention arbitrary, category II: Ezzatollah Sahabi, Hassan Youssefi-Echkevari, Habibollah Peyman, Hoda Rezazadeh-Saber, Reza Raïs-Toussi, Taghi Rahmani, Mamoud Omrani, Reza Alidjani and Saïd Madani.
31/2001	Palestinian National Authority	Yes	Jaweed al-Ghussein	Detention arbitrary, category I

Note: Opinions 19/2001 to 31/2001, adopted during the thirty-second session, could not be reproduced as an annex to this report; they will be reproduced as an annex to the next annual report.

3. Government reactions to Opinions

16. The Working Group received information from the Governments of China, Colombia, Mexico and Turkey following the transmittal of its Opinions to them. In addition, observations were received from the Governments of Indonesia and Peru after the adoption of Opinions 3/2001 and 17/2001, respectively.

17. The Government of the People's Republic of China, by submission of 26 June 2001, challenged the conclusions of the Working Group's Opinions 7/2001 (China) and 8/2001 (China). Regarding the adoption of Opinion 8/2001, the Government of China considered that it was inappropriate for the Working Group to adopt an opinion in a hasty manner and on the basis of unverified allegations before receiving the Government's reply. With a view to providing accurate and detailed information and adopting a responsible approach both to the Working Group and to the person who has complained, investigations sometimes take longer than usual, making it impossible to reply by the deadline. The Government had obtained details concerning this case after repeated inquiries and verifications with all the law-enforcement organs concerned.

18. In relation to the adoption of Opinion 7/2001, the Government pointed out that it had provided all the details of the detainee's criminal acts, the proceedings relating to his trial and his appeal, the evidence relating to the case and the legal basis for his sentence. It was regrettable that the Working Group had deemed the case to be one of arbitrary detention based on the unfounded suspicion of the so-called "source". Mr. Tohti Tunyaz was convicted not for writing academic papers - the various documentary materials involved in the case were by no means "purely scientific" as asserted by the University of Tokyo, and the defendant himself had admitted all the criminal facts. In conclusion, the Government considered that Opinions 7/2001 and 8/2001 were totally wrong and advised that it had decided to express its dissatisfaction and regret over them. It hoped that the Working Group would correct its wrong decisions and would faithfully reflect China's position in its report.

19. By submission of 13 November 2001, the Government of Mexico advised the Working Group, in connection with Opinion 18/2001 (Mexico), that the President of the Republic had ordered that Mr. Rodolfo Montiel Flores and Mr. Teodoro Cabrera García be released immediately. They had left the Iguala prison in the State of Guerrero on 8 November 2001 and were now living at liberty.

20. The Government of Turkey, by submission of 10 January 2001, in connection with the adoption of Opinion 22/2000 (Turkey), advised that Ms. Hüda Kaya had been released in accordance with a decision dated 30 November 2000 adopted by the relevant court. The Government added that the trial was going on.

21. After the adoption on 16 May 2001 of Opinion No. 3/2001 (Indonesia), the Government of Indonesia, by submission of 29 August 2001, advised the Working Group that Mr. Shaukat Ali Akhtar had been brought to trial on 9 January 2001 and proceedings had commenced at the courthouse in Surabaya. The trial was ongoing and a verdict had yet to be reached. Mr. Shaukat had been kept in police custody in East Java for a period of 36 days and not 60 as mentioned by the Working Group. In addition, Mr. Shaukat's detention status had

been modified to that of "city arrest", i.e. confined to the city of Surabaya, East Java, being forbidden to leave Indonesia. According to the police and his lawyer, he was now residing at the Novotel Apartments in Surabaya.

22. After the adoption on 14 September 2001 of Opinion 17/2001 (Peru), the Government of Peru stated that Mr. Elmer Salvador Gutiérrez Vásquez had been sentenced by the Supreme Military Court to life imprisonment for the offence of treason under Decree-Law No. 25,659. After various terrorist attacks his fellow defendants were charged with the offence of terrorism and tried in the ordinary courts in conformity with Decree-Law No. 25,475. Mr. Gutiérrez Vásquez was never tried in an ordinary court.

23. In a note verbale of 30 November 2001, the Permanent Mission of Colombia to the United Nations Office at Geneva informed the Working Group of the progress achieved and difficulties encountered in complying with the recommendations made in various Opinions of the Group (Decision 58/1993; Decision 26/1994; Decision 15/1995; Decision 32/1996; Opinion 25/1999 and Opinion 16/2001). As regards Decision 26/1994, the Government of Colombia stated that, on 21 March 1995, the National Court had ordered the immediate release of Ernesto Santani Mejía, Guillermo Antonio Brea Zapata, Francisco Elías Ramos and Manuel Terrero Pérez, citizens of the Dominican Republic. The Government pointed out that if in the past the Group had considered any case relating to arbitrary detention in Colombia, it had been because of problems of communication or differences in the interpretation or scope of the laws. Ordinary justice was applied in Colombia solely and exclusively under the criteria laid down in the Constitution, the laws and Colombian jurisprudence and doctrine, which is rooted in the tradition of Roman-Germanic law.

4. Communications giving rise to urgent appeals

24. During the period 1 January 2001-30 November 2001, the Working Group transmitted 79 urgent appeals to 39 Governments (as well as to the Palestinian Authority) concerning 897 individuals. In conformity with paragraphs 22 to 24 of its methods of work, the Working Group, without prejudging whether the detention was arbitrary, drew the attention of each of the Governments concerned to the specific case as reported, and appealed to it to take the necessary measures to ensure that the detained persons' rights to life and to physical integrity were respected. When the appeal made reference to the critical state of health of certain persons or to particular circumstances, such as failure to execute a court order for release, the Working Group requested the Government concerned to take all necessary measures to have the persons concerned released.

25. During the period under review, urgent appeals were transmitted by the Working Group as follows (the number of persons concerned is given in parentheses): 10 appeals to the Democratic Republic of the Congo (401); 8 appeals to Malaysia (35); 4 appeals to Indonesia (28); 4 appeals to the Sudan (29, including three women), 4 appeals to Turkey (27); 3 appeals to the People's Republic of China (5); 3 appeals to Ethiopia (7); 3 appeals to Egypt (61); 3 appeals to Israel (3); 2 appeals to Algeria (3); 2 appeals to Eritrea (16); 2 appeals to the Islamic Republic of Iran (17); 2 appeals to Nepal (4); 2 appeals to Sri Lanka (3); 2 appeals to the United Arab Emirates (2); 2 appeals to Uzbekistan (3); 1 appeal to Argentina (1); 1 appeal to Australia (2); 1 appeal to Bangladesh (1); 1 appeal to Cameroon (5); 1 appeal to Cuba (1);

1 appeal to Gambia (1); 1 appeal to Honduras (24); 1 appeal to Jordan (1), 1 appeal to Lebanon (150); 1 appeal to Mauritania (2); 1 appeal to Mexico (3); 1 appeal to Morocco (32, including 13 children), 1 appeal to Pakistan (1); 1 appeal to the Republic of Korea (7); 1 appeal to the Russian Federation (1); 1 appeal to Saudi Arabia (1); 1 appeal to the Syrian Arab Republic (10); 1 appeal to Tanzania (5); 1 appeal to Togo (1); 1 appeal to Tunisia (1); 1 appeal to Turkmenistan (1); 1 appeal to the United States of America (1); and 1 appeal to the Palestinian Authority.

26. Of these urgent appeals, 46 were appeals issued jointly by the Working Group and thematic or geographical special rapporteurs. These were addressed to the Governments of Bangladesh, Cameroon, Democratic Republic of the Congo (8), China, Cuba, Egypt (3), Eritrea, Ethiopia (2), Gambia, Honduras, Indonesia (3), the Islamic Republic of Iran, Israel (2), Lebanon, Malaysia (4), Mexico, Morocco, Nepal (2), the Republic of Korea, the Russian Federation, Sri Lanka (2), the Sudan (3), the United Arab Emirates, the United Republic of Tanzania, the United States of America and Uzbekistan.

27. The Working Group received replies to the urgent appeals addressed to the Governments of the following countries: Australia, China (reply to two actions), Cuba, Democratic Republic of the Congo (reply to one action), Egypt (reply to one action), Lebanon, Malaysia (reply to three actions), Mexico, Nepal (reply to one action), Pakistan, the Republic of Korea, Togo and Turkey (reply to three actions). In some cases it was informed, either by the Government or by the source, that the persons concerned had been released, in particular in the following countries: Egypt (the Government advised the Working Group that Mr. Farid Zahran had been released on bail of 5,000 Egyptian pounds); Lebanon (the Government reported that a considerable number of the persons mentioned in the urgent appeal had been released on bail); Malaysia (the Government reported that Mr. Khairul Anuar Ahmad Zainuddin and Mr. Mohamad Fuad Mohd Ikhwan were released unconditionally on 16 and 28 July 2001 respectively, and that Mr. Noor Ashid Sakib had been placed under restriction in his own district of residence); Nepal (the Government reported that nine persons arrested in December 2000 in Bhurungkhel were released by the court on bail); and Turkey (the Government advised the Working Group that eight persons, including two women arrested in July 2001 on the grounds of aiding and abetting the PKK, had been released). In other cases (relating to China, the Democratic Republic of the Congo, Mexico, Nepal, the Republic of Korea and Togo), the Working Group was assured that the detainees concerned would receive fair trial guarantees. The Working Group wishes to thank those Governments which heeded its appeals and took steps to provide it with information on the situation of the persons concerned, especially the Governments which released those persons. The Group notes, however, that only 22.6 per cent of its urgent appeals were replied to and consequently invites Governments to increase their cooperation under the urgent action procedure.

28. In addition to the above replies to urgent appeals, the Working Group received replies from the Governments of China, Colombia, Egypt, Mexico, Nepal, Saudi Arabia, the Sudan, Togo and Ukraine in respect of urgent appeals which had been addressed to these Governments in the course of 2000 and which had already been included in the Group's annual report for 2000 (E/CN.4/2001/14, paras. 55 to 59). The Working Group equally wishes to thank these Governments for their replies. The Group was thus informed of the release of Mr. Luis Gabriel Caldas León in Colombia.

B. Country missions

1. Visits scheduled

29. The following visits have been scheduled for the forthcoming year (2002):

(a) Belarus. During the fifty-first session of the Sub-Commission, the Permanent Representative of Belarus to the United Nations Office at Geneva declared that the Government of Belarus would invite the Special Rapporteur on the independence of judges and lawyers and the Working Group on Arbitrary Detention to visit the country, and that at least one of the visits would take place before the fifty-second session of the Sub-Commission. During the Group's twenty-sixth session, the Group was informed that the Government of Belarus would invite the Working Group in 2001. Further consultations with the Permanent Mission of Belarus to the United Nations Office at Geneva took place on 13 September 2000, 29 November 2000 and 17 May 2001. By letter dated 4 December 2001, Mr. Vladimir Malevich, Deputy Permanent Representative of the Republic of Belarus to the United Nations Office at Geneva, informed the Chairman of the Working Group that the issue of the organization of the Working Group's visit to Belarus during the first half of October 2002 was under consideration by the competent authorities of his Government and that the final dates of the visit would be agreed upon through the diplomatic channels;

(b) Australia. Pursuant to paragraph 4 of Commission resolution 1997/50, the Working Group initiated consultations with the Permanent Mission of Australia to the United Nations Office at Geneva in mid-1998, with a view to conducting a mission to Australia to examine the issue of administrative custody of asylum-seekers in that country. Agreement in principle for such a visit was obtained from the Government of Australia towards the end of 1999 and the Group had planned to visit Australia in the second half of May 2000. By letter of 2 May 2000, the Government informed the Group that this date was not convenient. In May 2001, the Working Group sought information on other proposed dates for its visit, which had already been agreed to in principle. Further consultations with the Permanent Mission of Australia to the United Nations Office at Geneva took place during the year.

2. Follow-up to country visits of the Working Group

30. By resolution 1998/74, the Commission on Human Rights requested those responsible for the Commission's thematic mechanisms to keep the Commission informed about the follow-up to all recommendations addressed to Governments in the discharge of their mandates. In response to this request, the Working Group decided, in 1998 (see E/CN.4/1999/63, para. 36), to address a follow-up letter to the Governments of the countries it visited, together with a copy of the relevant recommendations adopted by the Group and contained in the reports on its country visits. In 1999, the Group discussed the modalities of its follow-up activities and adopted a procedure under which it will systematically request the Governments of countries visited by the Group to inform it of initiatives the Governments have taken pursuant to the Group's recommendations.

31. Given its heavy workload, the Working Group has staggered its follow-up activities in respect of those countries it has visited. Priority was given to follow-up on recommendations

contained in the reports on the Group's first country visits. Accordingly, in October 1999, letters were addressed to the Governments of Viet Nam, Nepal and Bhutan, with a view to obtaining information from the Governments concerned on the implementation of the recommendations contained in the Group's reports on its visits to these countries (E/CN.4/1995/31/Add.4, E/CN.4/1997/4/Add.2 and E/CN.4/1997/4/Add.3 respectively). A detailed follow-up reply was received from the Government of Bhutan (see annual report for 1999, E/CN.4/2000/4, paras. 44 to 47).

32. As no replies were received from the Governments of Nepal and Viet Nam, reminders were addressed to them by letters dated 29 September 2000. Letters with requests for follow-up information were also addressed, on 29 and 30 September 2000 respectively, to the Governments of Peru and Indonesia, and on 29 October 2001, to the Governments of Romania and the United Kingdom of Great Britain and Northern Ireland requesting information on such initiatives as the authorities might have taken to give effect to the recommendations contained in the Group's report to the Commission on Human Rights on its visits to these countries in 1998 and 1999 (E/CN.4/1999/63/Add.2, E/CN.4/2000/4/Add.2, E/CN.4/1999/63/Add.4 and E/CN.4/1999/63/Add.3 respectively).

33. The Working Group visited Peru from 26 January to 6 February 1998 at the invitation of the Peruvian Government. Following its visit, the Group made various recommendations in its report on the mission to Peru (E/CN.4/1999/63/Add.2). By a letter dated 28 November 2001, the Peruvian Government replied to the Group's request about follow-up to its recommendations and transmitted the following information on the 52 cases (76 persons) which had been submitted to it:

> 34 persons (29 cases) have been released following a judicial decision or pardon (indulto):
>
> Wilfredo Estanislao Saavedra Marreros (Opinion 7/1992); Miguel Fernando Ruiz Cornejo (Opinion 42/1993); Julio Rondinel Cano (Opinion 21/1994); Luis Alberto Cantoral Benavides (Opinion 22/1994); Carlos Florentino Molero Coca (Opinion 24/1994); Luis Enrique Quinto Facho (Opinion 25/1994); Luis Rolo Huaman Morales, Mayela Alicia Huaman Morales, Oscar Julian Huaman Morales, Pablo Abraham Huaman Morales (Opinion 41/1994); Teodosia Cuhuaya Flores (Opinion 42/1994); Alfredo Pablo Carrillo Antayhua (Opinion 43/1994); Alfredo Raymundo Chavez, Celia Huamani Aponte, María Salomé Hualipa Peralta, Carmen Soledad Espinoza Rojas, Mebes Maliqui Rodríguez, David Aparicio Claros (Opinion 44/1994); Alfredo Carrillo Antayhua (Opinion 13/1995); Teodosia Cahuya Flores (Opinion 14/1995); Abad Aguilar Rivas, Edilberto Rivas Rojas (Opinion 17/1995); Jesús Alfonso Castiglioni Mendoza (Opinion 22/1995); Maria Elena Foronda Farro, Oscar Díaz Barboza (Opinion 23/1995); Antero Gargurevich Oliva (Opinion 24/1995); Luis Rolo Huamán Morales, Mayela Alicia Huamán Morales, Oscar Huamán Morales, Pablo Abraham Huamán Morales (Opinion 42/1995); Alfredo Raymundo Chavez, Celia Huamani Aponte, María Salomé Hualipa Peralta, Carmen Soledad Espinoza Rojas, Mebes Maliqui Rodriguez, David Aparicio Claros (Opinion 43/1995); María Elena Foronda Farro, Oscar Díaz Barboza (Opinion 44/1995); María Elena Loayza Tamayo (Opinion 46/1996); Frescia Calderón Garate

(Opinion 47/1996); Jesús Alfonso Castiglioni Mendoza (Opinion 48/1996); Mayela Alicia Huamán Morales (Opinion 49/1996); Antero Gargurevich Oliva (Opinion 22/1998); Pablo Abraham Huamán Morales (Opinion 23/1998); Carlos Florentino Molero Coca (Opinion 24/1998); Cesar Sanabria Casanova (Opinion 9/2000); Mirtha Ira Bueno Hidalgo (Opinion 10/2000); Edilberto Aguilar Mercedes (Opinion 29/2000); Jose Victoriano Acevedo Orbegozo (Opinion 10/2001).

Eight persons (10 cases) currently remain in detention following conviction:

Julio Cesar Alica Hito (Opinion 16/1995); Julio César Lapa Campos (Opinion 26/1995); Margarita M. Chuquiure Silva (Opinion 34/1996); Lori Berenson (Opinion 45/1995); Margarita M. Chuquire Silva (Opinion 25/1998); Lori Berenson (Opinion 26/1998); Sybila Arrendondo Guevara (Opinion 4/2000); Eleuterio Zárate Luján (Opinion 11/2000); Marco Sánchez Narvaez (Opinion 27/2000); Elmer Salvador Gutiérrez Vazquez (Opinion 17/2000).

There is insufficient information on 31 persons (13 cases).

34. By note verbale of 30 November 2001, the Permanent Mission of Peru to the United Nations Office at Geneva submitted the following additional information to the Working Group. In relation to Decision 18/1994, Ms. Enriqueta Laguna was acquitted and released on 12 December 1995. As regards Decision 21/1994, Mr. Julio Rondinel Cano was acquitted and released on 3 April 1998. Lastly, regarding Opinion 11/2000, Mr. Eleuterio Zárate Luján was acquitted and released on 16 May 2000.

35. The Working Group welcomes the positive action taken on these recommendations and has addressed to the Peruvian Government a further note requesting it to provide information on any reforms undertaken in relation to detention, and more particularly the special courts and laws on which the Working Group commented in its report on its mission to Peru.

II. COOPERATION WITH THE COMMISSION ON HUMAN RIGHTS

36. In various resolutions adopted at its fifty-eighth session, the Commission on Human Rights formulated requests and provided guidance to the Group.

Resolution 2001/40, "Question of arbitrary detention"

37. The Working Group has sought at all times, as requested by the Commission, to avoid duplication of efforts with other mechanisms of the Commission. With a view to improving coordination, it has informed holders of other mandates about cases brought before its attention, enabling them to intervene. The Group did so regarding its Opinion 12/2001 (Myanmar), which it transmitted both to the Special Rapporteur on the situation of human rights in Myanmar and to the Special Rapporteur on the question of torture, and regarding Opinion 13/2001 (Myanmar) which it transmitted, for appropriate action, to the Special Rapporteur on the situation of human rights in Myanmar.

38. On 42 occasions during 2001, the Working Group issued urgent appeals jointly with other thematic or country-oriented mechanisms of the Commission. In a number of cases, the Governments concerned responded favourably to these joint urgent appeals (see paras. 27 and 28 above).

Resolution 2001/47, "The right to freedom of opinion and expression"

39. In this resolution the Commission on Human Rights expresses its concern at the large number of detentions which occur in relation to the exercise of the right to freedom of opinion and expression, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association. These detentions constitute the classic and most frequent cases of detention which the Working Group considers arbitrary in conformity with category II of its methods of work. The Group has attached particular importance to this resolution and is continuing to cooperate with the Special Rapporteur on the subject, having sent jointly with him a total of 18 appeals for urgent action to 14 Governments in 2001.

Resolution 2001/50, "Integrating the human rights of women throughout the United Nations system"

40. For a number of years the Working Group has been incorporating a gender perspective in its reports, especially for statistical purposes, as requested by the Commission in paragraphs 15, 17 and 19 of this resolution. Of the cases transmitted during the three sessions held in 2001, it should be noted that the Group issued an Opinion on only one case relating to a woman, although it did issue 10 urgent appeals relating to women and girls.

41. Pursuant to this resolution, the Working Group, during its visit to the State of Bahrain, held meetings with the authorities and representatives of various Bahraini women's associations, and with women and girls detained or accommodated in protection centres, in order to learn about the specific problems women encounter and the extent of the effect which the democratic reforms of 1999 have had on their situation (see addendum 2 to this report).

Resolution 2001/49, "Elimination of violence against women"

42. The Working Group was apprised of the fate of 23 women and 61 girls detained in nine countries, to the Governments of which it has sent urgent appeals: China (3 women); Democratic Republic of the Congo (7 women and 60 girls); Eritrea (1 woman); Honduras (3 women); Myanmar (2 women); Togo (1 woman); Turkey (4 women); United States of America (a migrant girl); and Uzbekistan (2 women). To the Group's knowledge, only three of them had been released.

Resolution 2001/55, "Rights of persons belonging to national or ethnic, religious and linguistic minorities"

43. As in previous years, the Working Group was informed of the detention of persons who had acted in defence of the rights of these minorities. The Group issued Opinion 11/2001 (Viet Nam) declaring arbitrary the detention of Thich Huyen Quang, an 83-year-old Buddhist monk, human rights defender and Patriarch of the banned Unified Buddhist Church of Viet Nam, who has, since 1982, remained under house arrest. The Group also considered the detention of Mr Gebisha Lemessa, defender of the Oromo ethnic minority in Ethiopia.

Resolution 2001/64, "Human rights defenders"

44. The Working Group remains concerned at the high number of reported arbitrary arrests and detentions of human rights defenders. It welcomes the establishment of the mandate of Special Representative of the Secretary-General on the situation of human rights defenders and has started to coordinate its activities with those of the Special Representative. In 2001, it addressed, on behalf of detained human rights defenders, 13 joint appeals with the Special Representative to the Governments of 10 countries (Cameroon, Democratic Republic of the Congo, Ethiopia, Honduras, Indonesia, Israel, Malaysia, Nepal, Sudan and Russian Federation).

Resolution 2000/86, "Human Rights and thematic procedures"

45. The Working Group draws the Commission's attention to the following situations.

1. Recourse to detention as a means of protection of victims

46. Ms. Radika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences, and Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants, have raised a question of extreme importance which has a direct link with the mandate of the Working Group. It concerns recourse to detention as a means of protection of women, (and notably foreign women), victims of trafficking in the territories and countries which they have visited in the context of their respective mandates.

47. The Working Group shares the view of the Special Rapporteur on violence against women (see E/CN.4/2001/73/Add.2) concerning the need to reconsider recourse to deprivation of liberty in order to protect victims, and stresses that this measure must be supervised by a judicial authority and must in any event only be used as a last resort and when the victims themselves desire it.

2. Keeping women in detention after completion of their sentence

48. The Working Group was also informed that, in some countries, women serving a custodial sentence are kept in detention beyond the completion of their sentence, even though they have served the sentence in its entirety, and can be released only if a male member of their family presents himself to the prison authorities and stands guarantor for them.

49. The Working Group recalls that this constitutes arbitrary detention under category I of the principles applicable in the consideration of cases submitted to it. Cases of such detention must be remedied.

3. The administrative custody of foreigners

50. The Working Group has had occasion to set out, in its report for 1999 (E/CN.4/1999/63), its position concerning the administrative custody of foreigners, which is a source of concern to the Special Rapporteur on the human rights of migrants.

4. House arrest

51. The Working Group has set out its position on house arrest in its deliberation No. 1 (see E/CN.4/1993/24).

5. Psychiatric detention

52. The Working Group expressed its opinion on this question for the first time at its thirty-second session when it was considering a communication. It decided to consider all aspects of the question at its next session, notably in consultation with the World Health Organization (WHO) and after reading the report "Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder", which was submitted to the Sub-Commission by Ms. Erica-Irene A. Daes, Special Rapporteur.

53. When establishing its methods of work at its first session in 1991, the Working Group deliberately refrained from taking a position on measures involving the deprivation of liberty of persons suffering from mental disorder and requiring placement in a closed establishment. It decided to take a position only on the basis of specific situations that might be brought before it.

54. This was the case, for the first time, at its thirty-second session. Considering this precedent, the Working Group decided, in the light of its deliberation No. 1 relating to house arrest:

(a) That psychiatric detention (as an administrative measure) may be regarded as comparable to deprivation of liberty within the meaning of the Working Group's mandate when the person concerned is placed in a closed establishment which he may not leave freely;

(b) That this measure may be of an arbitrary character when it is not accompanied by procedural guarantees under judicial control and/or it may have the aim of neutralizing or discrediting the person concerned, in order to limit or jeopardize his freedom of expression.

55. The Working Group decided to include this question on the agenda for its thirty-third session with a view to possibly adopting a deliberation on the question, after having consulted the specialized governmental or non-governmental organizations, notably WHO.

56. In all the situations mentioned in paragraphs 45 to 55 above, the Working Group considered that when these measures are executed in closed premises which the person concerned is unable to leave freely, they are to be regarded as constituting deprivation of liberty within its mandate. However, as to the arbitrary character or otherwise of this deprivation the Group will continue to express an opinion on a case-by-case basis.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

57. Acceptance, transparency and cooperation in the context of requests for country visits are the surest way to further the cause of human rights by developing mutual respect and understanding between States and United Nations human rights mechanisms.

58. Deprivation of liberty in all its manifestations requires the Working Group to take *suo motu* initiatives and formulate principles and methods of work to combat arbitrariness.

59. Timely responses with full disclosure from States further the cause of objectivity in rendering opinions; responses by States after an opinion is adopted generate misunderstandings.

B. Recommendations

Recommendation 1: Imprisonment related to insolvency

60. The Working Group requests Governments to reduce to the fullest extent possible cases of detention caused by situations of extreme poverty. It accordingly recommends that measures should be taken in the following areas:

(a) Repeal of enactments providing for imprisonment for contractual debt, which is prohibited by article 11 of the International Covenant on Civil and Political Rights;

(b) Necessary measures, including in the area of training, to ensure that judges take the greatest possible account of the level of income of persons who are released on bail in order to give full effect to the principle that release must be the rule and provisional detention the exception (Covenant, art. 9 (3));

(c) Ensure that the amounts of fines, which are in principle intended to limit penalties of imprisonment, are not disproportionate to the income of the convicted persons concerned, so as to prevent these persons from eventually being imprisoned on account of their inability to pay the fine.

Recommendation 2: Detention as a means of protection of victims

61. Recourse to deprivation of liberty in order to protect victims must be reconsidered and, in any event, must be supervised by a judicial authority. This measure must be used only as a last resort and when the victims themselves desire it.

Annex

STATISTICS

(Covering the period January-December 2001. Figures in parentheses are corresponding figures from last year's report)

A. Cases of detention in which the Working Group adopted an opinion regarding their arbitrary or non-arbitrary character

1. Cases of detention declared arbitrary

	Female	Male	Total
Cases of detention declared arbitrary falling within category I	0 (0)	1 (3)	1 (3)
Cases of detention declared arbitrary falling within category II	0 (3)	20 (36)	20 (39)
Cases of detention declared arbitrary falling within category III	1 (7)	25 (42)	26 (49)
Cases of detention declared arbitrary falling within categories II and III	0 (1)	0 (1)	0 (2)
Cases of detention declared arbitrary falling within categories I and II	0 (0)	1 (0)	1 (0)
Cases of detention declared arbitrary falling within categories I and III	0 (0)	1 (5)	1 (5)
Cases of detention declared arbitrary falling within categories I, II and III	0 (0)	0 (1)	0 (1)
Total number of cases of detention declared arbitrary	**1 (11)**	**48 (87)**	**49 (98)**

2. Cases of detention declared not arbitrary

Female	Male	Total
0 (0)	7 (1)	7 (1)

B. Cases which the Working Group decided to file

	Female	Male	Total
Cases filed because the person was released, or was not detained	0 (0)	32 (15)	32 (15)
Cases filed because of insufficient information	0 (0)	5 (0)	5 (0)

C. Cases pending

	Female	Male	Total
Cases which the Working Group decided to keep pending for further information	0 (0)	1 (0)	1 (0)
Cases transmitted to Governments on which the Working Group has not yet adopted an opinion	4 (2)	69 (49)	73 (51)
Total number of cases dealt with by the Working Group during the period January-December 2001	**5 (13)**	**162 (151)**	**167 (164)**